

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ESCAPES!, INC.,)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO: 09-00515-KD-M
)	
LEGACY LAND & DEVELOPMENT)	
LLC; <i>et al.</i>,)	
Defendants.)	

ORDER

After due and proper consideration of all pleadings in this file and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated November 30, 2009 is hereby **ADOPTED** as the opinion of this Court.

It is **ORDERED** that Defendant Balliett's Motion to Dismiss (Doc. 17) is **DENIED**.

DONE and **ORDERED** this the 14th day of **December 2009**.

/s/ Kristi K. DuBose _____
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE